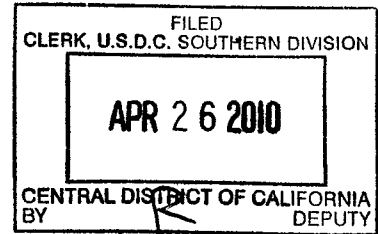


I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY  
FIRST CLASS MAIL, POSTAGE PREPAID, TO ~~ALL COUNSEL~~ *Petitioner*  
(OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF  
RECORD IN THIS ACTION ON THIS DATE.

DATED: 4-26-10  
DEPUTY CLERK [Signature]



## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

KENNETH JEROME STIDHAM,

Petitioner,

vs.

JIM MacDONALD,

Respondent.

Case No. EDCV 10-120-GAF (RNB)

ORDER ADOPTING FINDINGS,  
CONCLUSIONS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the operative First Amended Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed herein. The Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that, unless within twenty-one (21) days, petitioner either (a) files a Second Amended Petition limited to his already exhausted federal constitutional claims (i.e., Ground Two and the part of Ground One alleging ineffective assistance of trial counsel based on the failure to request a jury instruction pursuant to Cal. Penal Code § 803(g)), or (b) withdraws Grounds Three, Four, and Five, as well as all the parts of Ground One other than the ineffective assistance of trial counsel

1 claim based on the failure to request a jury instruction pursuant to Cal. Penal Code §  
2 803(g), Judgment be entered denying the operative First Amended Petition and  
3 dismissing this action without prejudice for failure to exhaust state remedies.

4  
5 DATED: \_\_\_\_\_

4/23/10

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9 GARY A. FEESS  
10 UNITED STATES DISTRICT JUDGE  
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